



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

Issuance of New Commercial Fishing Licenses & Fishery Endorsements: Overview of Licensing Framework

I. Entry-level commercial fishing licenses

- There are 3 types of entry-level commercial licenses:
 - Commercial Fishing Licenses (CFLs)
 - Student Shellfish Licenses
 - Over 65 Shellfish Licenses

Commercial Fishing Licenses (CFLs)

- New CFLs are available annually without restriction to all residents (all fisheries) and non-residents (finfish only)
- There are 2 categories of fishery endorsements available, or potentially available, to CFL holders:

1. Non-Restricted Endorsements

- There are 3 non-restricted endorsements: non-quahog shellfish, non-restricted finfish, non-lobster crustacean
- All 3 non-restricted endorsements are *Open* – i.e., available to all applicants without limitation (except that non-residents may only obtain non-restricted finfish endorsements)
- Holders of CFLs with non-restricted endorsements may fish commercially for all applicable species at *Basic Harvest Levels* that are the same as the *Full Harvest Levels* applicable to all other license holders (i.e., Principal Effort and Multi-Purpose)

2. Restricted Endorsements

- There are 3 restricted endorsements: quahog, restricted finfish, and lobster
- Restricted endorsements are *Limited* – i.e., available only when new effort is authorized pursuant to annual amendments to fishery management plans and licensing rules. When such new endorsements are made available, they are issued in accordance with a *prioritization process*.
- Some restricted endorsements may be obtained automatically by family members or crew members of active licensees who are retiring, and in the quahog fishery by active student shellfishermen, provided that various stipulations are met.
- Holders of CFLs w/ restricted endorsements may fish commercially for all applicable species, subject to *Basic Harvest Levels* that are more restrictive than the *Full Harvest Levels* applicable to all other license holders (i.e., Principal Effort and Multi-Purpose)

Prioritization Process for Obtaining New Restricted Endorsements

- There are 3 primary pathways (priority categories) for obtaining new restricted endorsements (when made available by rule, pursuant to annual fishery management plans and associated rules):
 1. Obtain a CFL w/ one or more non-restricted endorsement(s) and actively fish the endorsement(s) for at least 2 years
 - With higher priority for those fishing in the same fishery sector as the new endorsement being sought; and
 - With higher priority for those who have actively fished the endorsement(s), on a continuous basis, the longest; and
 - With higher priority for residents (finfish only)
 2. Actively participate (i.e. work) as a crew member with a licensed commercial fishermen for at least 2 years
 - With higher priority for those working in the same fishery sector; and
 - With higher priority for those who have actively participated, on a continuous basis, the longest; and
 - With higher priority for residents (finfish only)
 3. Actively fish a Principal Effort License (PEL) in another fishery sector for at least 2 years
 - With higher priority for those who have actively fished, on a continuous basis, for the longest; and
 - With higher priority for residents (finfish only)

Automatic Eligibility for Family Members or Crew Members of Retirees

- If an applicant falls in one of the 3 priority categories, and if he or she is a family member or crew member of a licensee (CFL, PEL or MPL) who has been actively fishing and is retiring, then the applicant automatically qualifies for, and may obtain, a new CFL w/ restricted endorsement(s) in the same fishery or fisheries that were being actively fished by the retiree. (Exception: this provision does not apply to the lobster fishery.)

Opportunity for Non-Priority Applicants to Obtain New Restricted Endorsements

- If the number of new endorsements exceeds the number of priority applicants, the remaining endorsements are made available, by lottery, to anyone who applies – with higher priority for residents in the case of finfish.

Student Shellfish Licenses

- New Student Shellfish Licenses are available annually without restriction to all residents who are full-time students and 23 years of age or younger
- Student Shellfish License holders may fish commercially for quahogs, subject to *Basic Harvest Level* restrictions.

Over 65 Shellfish Licenses

- New Over 65 Shellfish Licenses are available annually without restriction to all residents who are 65 years of age or older.
- Over 65 Shellfish License holders may fish commercially for quahogs, subject to *Basic Harvest Level* restrictions.

II. Transitioning from a Student Shellfish License to a CFL w/ Quahog Endorsement

- Student Shellfish License holders who actively fish their license for 2 years or more automatically qualify for a new CFL w/ Quahog endorsement

III. Transitioning from a CFL w/ Restricted Endorsement(s) to a Principal Effort License (PEL) with Restricted Endorsement(s)

- CFL holders w/ restricted endorsement(s) who actively fish their endorsement(s) for 2 years or more automatically qualify for an upgrade to a PEL w/ applicable endorsement(s), allowing the holder to fish commercially at *Full Harvest Levels* for all applicable species. (Exception: this provision does not apply to the lobster fishery.)

IV. Issuance of new license upon sale of vessel and gear

- CFL holders with restricted endorsements, or individuals who qualify as priority applicants for such endorsements (i.e., anyone falling into one of the 3 priority categories), who purchase the vessel and gear of a licensee (CFL, PEL or MPL) who has been actively fishing and is retiring, automatically qualify for, and may obtain, a license in the same fishery or fisheries that were being actively fished by the retiree.
- The new license may correspond to the seller's license and be at the same harvest level; or, it may be issued at a lower level, depending on the status of the fishery(s).



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

New License/Endorsement Opportunities Available for 2006

For 2006, six new commercial fishing license/endorsement opportunities will be available. Five of these new opportunities are the same as those that have been available since 2003, when the new licensing program went into effect. They are:

- Commercial Fishing License (CFL) with:
 - (1) **Non-Restricted Finfish endorsement**, available to any resident or non-resident;
 - (2) **Non-Quahog Shellfish endorsement**, available to any resident;
 - (3) **Non-Lobster Crustacean endorsement**, available to any resident.
- **Student Shellfish License**, available to any resident who is a full-time student and 23 years of age or younger.
- **Over 65 Shellfish License**, available to any resident who is 65 years of age or older.

One additional license/endorsement opportunity is being made available for 2006: 43 new **Quahog endorsements** on CFLs will be issued. The Quahog endorsement will allow the holder to harvest quahogs at the basic harvest level, which is a 3-bushel per day statewide limit.

State law requires everyone applying for (any type of) new license from the State to first certify that they have filed all required state tax returns and paid all taxes due to the State, or entered into a written installment agreement with the Tax Administrator to pay delinquent state taxes. See the accompanying document entitled *New Taxation Certification Requirements* for more information.

Who may apply for the new Quahog endorsements?

Any resident may apply for a new Quahog endorsement.

Who may not apply for the new Quahog endorsements?

Holders of Multipurpose Licenses (MPLs) or Principal Effort Licenses (PELs) with Quahog endorsements may not apply for a new CFL with Quahog endorsement.

Will priority be given to certain applicants?

Yes. In accordance with the licensing statute (RIGL 20-2.1) and the associated *Rules and Regulations Governing the Management of Marine Fisheries* (available online at www.ri.state.us/dem under “Topics” and “Marine Fisheries”):

1. First priority will be given to the following three categories of applicants*:

- A. Residents who have held, and actively fished, CFLs with Non-Quahog Shellfish endorsements over the past two years.

Note: to meet the standard of “actively fished,” an applicant must be able to demonstrate by dated transaction records that they have fished in the shellfish fishery at least 75 days in the preceding two years.

- B. Residents who have held, and actively fished, PELs (in any fishery other than shellfish) over the past two years.

Note: The same standard of “actively fished,” noted above, will apply.

- C. Residents who have actively participated as a crew member in the shellfish fishery over the past two years.

Note: To meet the standard of “actively participated,” an applicant must be able to demonstrate via one or more affidavits that they have fished in the shellfish fishery with one or more licensed captains at least 75 days in the preceding two years.

- * Within each of the three priority categories, applicants will be ranked based on the length of time they have been actively fishing or actively participating on a continuous basis.

2. Second priority will be given to the following two categories of applicants *:

- A. Residents who have held, and actively fished, CFLs endorsed in any fishery over the past two years.

Note: The same standard of “actively fished,” noted above, will apply.

- B. Residents who have actively participated as a crew member in any fishery over the past two years.

Note: The same standard of “actively participated,” noted above, will apply

- * Within each of the two categories, applicants will be ranked based on the length of time they have been actively fishing or actively participating on a continuous basis.

3. Third priority will be given to any RI resident.

What will be the process for reviewing applications and determining who will obtain the new Quahog endorsements?

- Anyone may apply for the new endorsements by submitting an application, along with any/all accompanying documentation relating to priority status, to DEM between January 1, 2006 and February 28, 2006. Any application received after February 28 will not be subject to consideration. See the accompanying document entitled *Guidance for Applicants Seeking New Quahog Endorsements* for detailed guidance on qualifying for priority status and associated application requirements.
- Immediately following February 28, DEM will conduct an initial review of the applications to determine which applicants have submitted appropriate documentation establishing priority status in any of the categories described above.

Any applications accompanied by inadequate or improper documentation – e.g., insufficient number of transaction records, bogus transaction records, affidavits that have not been notarized, etc. – will not be considered in either of the first two priority categories. Moreover, fraudulent submittals may be referred to DEM’s Office of Law Enforcement for further investigation and possible enforcement action. Fraud on the part of any existing license holder, including a captain who signs an affidavit in support of a claim of crew member status that turns out to be false or inaccurate, may result in the suspension or revocation of the license held by the existing license holder.

- For the 43 Quahog endorsements: 15 will be made available to priority category 1A (holders of CFLs with Non-Quahog Shellfish endorsements who have been actively fishing their licenses); 14 will be made available to priority category 1B (holders of PELs who have been actively fishing their licenses); and 14 will be made available to priority category 1C (crew members who have been actively participating in the shellfish fishery).
- Within each of the three categories, applicants will be prioritized based on the length of time they have been actively fishing or actively participating on a continuous basis.
- If, in any of the three categories, there are fewer eligible applicants than there are endorsements available for issue, the balance will be evenly distributed among the other two categories.
- If necessary, a lottery will be held to select among an excess number of evenly matched applicants.
- If, after completing the above described first-tier process, there are still endorsements available, then the second tier of priority applicants will be considered. The balance of remaining endorsements will be evenly distributed among the two second-tier categories – i.e., category 2A (holders of CFLs endorsed in any fishery who have been actively fishing their licenses) and category 2B (crew members who have been actively participating in any fishery). Within each category, applicants will be prioritized based on the length of time they have been actively fishing or actively participating on a continuous basis. If, in either category, there are fewer eligible applicants than there are endorsements available for issue, the balance will be distributed to the other category. If necessary, a lottery will be held to select among an excess number of evenly matched applicants.
- If, after completing the above-described second-tier process, there are still endorsements available, then the third tier of applicants – residents who do not qualify for priority status – will be considered. If there are more applicants than there are endorsements available for issue, the endorsements will be issued by lottery.



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

Guidance for Applicants Seeking New Quahog Endorsements

As described in the accompanying document entitled *New License/Endorsement Opportunities Available for 2006*, 43 new Quahog endorsements on Commercial Fishing Licenses (CFLs) will be issued for 2006. As further described in the accompanying document, priority will be given to certain applicants for these endorsements. This document provides step-by-step guidance for applicants seeking these new endorsements, including: how to determine if you qualify for priority status and what you need to do to establish such status and properly submit an application. Residents who do not qualify for priority status but still wish to obtain the new endorsement are still encouraged to apply, since there is a chance that non-priority resident applicants will be given consideration, pending the outcome of the prioritization process.

Any questions regarding the application process should be directed to DEM's Office of Boat Registration & Licensing at 222-6647.

I. Priority Status under Category 1A

Q: Are you a RI resident?

If no, you do not qualify for a new Quahog endorsement.
If yes, proceed to next question.

Q: Have you held a Commercial Fishing License (CFL) with a Non-Quahog Shellfish endorsement over the past two years – i.e., in 2004 and 2005?

If no, go to section II below.
If yes, proceed to the next question.

Q: Have you been actively fishing your CFL – i.e., can you demonstrate by dated transaction records that you have fished in the shellfish fishery at least 75 days during 2004 and/or 2005?

If no, go to section II below.

If yes, you qualify for priority status under this category and will be given top consideration for the new Quahog endorsement, in accordance with the selection process delineated in the accompanying document. To be considered, you must submit an application by February 28, 2006, indicating that you wish to obtain a new Quahog endorsement on your CFL. Your application must include a brief cover letter, indicating that you are seeking priority status as an active holder of a CFL with a Non-Quahog Shellfish endorsement. Along with your application, you must submit the dated transaction records necessary to qualify for priority status. Applicants will be ranked based on the length of time they have been actively fishing on a continuous basis, so it is to your advantage to document all of the years that you have

been actively fishing your CFL. ***Please note that DEM will disqualify from consideration under this priority category any application that is not accompanied by a sufficient number of valid transaction records.***

II. Priority Status under Category 1B

Q: Have you held a Principal Effort License (PEL) over the past two years – i.e., in 2004 and 2005?

If no, go to section III below.

If yes, proceed to the next question.

Q: Have you been actively fishing your PEL – i.e., can you demonstrate by dated transaction records that you have fished at least 75 days during 2004 and/or 2005?

If no, go to section III below.

If yes, proceed to the next question.

Q: Have you been actively fishing your PEL in the finfish and/or lobster (crustacean) fisheries?

If no, go to section III below.

If yes, you qualify for priority status under this category and will be given top consideration for the new Quahog endorsement, in accordance with the selection process delineated in the accompanying document. To be considered, you must submit an application by February 28, 2006, indicating that you wish to obtain a CFL with a Quahog endorsement. Your application must include a brief cover letter, indicating that you are seeking priority status as an active PEL holder, based on your activity over the past two years in the finfish and/or lobster (crustacean) fisheries. Along with your application, you must submit the dated transaction records necessary to qualify for priority status. Applicants will be ranked based on the length of time they have been actively fishing on a continuous basis, so it is to your advantage to document all of the years that you have been actively fishing your PEL. ***Please note that DEM will disqualify from consideration under this priority category any application that is not accompanied by a sufficient number of valid transaction records.***

III. Priority Status under Category 1C

Q: Have you served as a crew member aboard a commercial fishing vessel engaged in the shellfish fishery?

If no, go to section IV below.

If yes, proceed to the next question.

Q: Have you been actively participating as a crew member – i.e., can you demonstrate via one or more affidavits signed by one or more licensed captains, that you have fished with that captain, or those captains, in the shellfish fishery at least 75 days during 2004 and/or 2005?

If no, go to section IV below.

If yes, you qualify for priority status under this category and will be given top consideration for the new Quahog endorsement, in accordance with the selection process delineated in the accompanying document. To be considered, you must submit an application by February 28, 2006, indicating that you wish to obtain a CFL with a Quahog endorsement. Your application must include a brief cover letter, indicating that you are seeking priority status as an active crew member, based on your activity in the shellfish fishery. Along with your application, you must submit the affidavit(s) necessary to qualify for priority status. Applicants will be ranked based on the length of time, in years, they have been actively participating in the shellfish fishery as crew members, so it is to your advantage to document all of the years that you have been employed in the fishery as a crew member. ***All applicants should use the blank affidavit forms available from DEM (and posted on the website along with this document). All affidavits must be signed by licensed captains and notarized. DEM will disqualify from consideration under this priority category any application that is not accompanied by one or more valid affidavits.***

IV. Priority Status under Category 2A

Q: Have you held a CFL with a Non-Restricted Finfish and/or Non-Lobster Crustacean endorsement over the past two years – i.e., in 2004 and 2005?

If no, go to section V below.

If yes, proceed to next question.

Q: Have you been actively fishing your CLF – i.e., can you demonstrate by dated transaction records that you have fished at least 75 days during 2004 and/or 2005?

If no, go to section V below.

If yes, you qualify for priority status under this category and will be given secondary consideration for the new Quahog endorsement, in accordance with the selection process delineated in the accompanying document. To be considered, you must submit an application by February 28, 2006, indicating that you wish to obtain a new Quahog endorsement on your CFL. Your application must include a brief cover letter, indicating that you are seeking priority status as an active CFL holder. Along with your application, you must submit the dated transaction records necessary to qualify for priority status. Applicants will be ranked based on the length of time they have been actively fishing on a continuous basis, so it is to your advantage to document all of the years that you have been actively fishing your CFL. ***Please note that DEM will disqualify from consideration under this priority category any application that is not accompanied by a sufficient number of valid transaction records.***

V. Priority Status under Category 2B

Q: Have you served as a crew member aboard a commercial fishing vessel engaged in the finfish and/or lobster (crustacean) fisheries?

If no, go to section VI below.

If yes, proceed to the next question.

Q: Have you been actively participating as a crew member – i.e., can you demonstrate via one or more affidavits signed by one or more licensed captains, that you have fished with that captain, or those captains, at least 75 days during 2004 and/or 2005?

If no, go to section VI below.

If yes, you qualify for priority status under this category and will be given secondary consideration for the new Quahog endorsement, in accordance with the selection process delineated in the accompanying document. To be considered, you must submit an application by February 28, 2006, indicating that you wish to obtain a CFL with a Quahog endorsement. Your application must include a brief cover letter, indicating that you are seeking priority status as an active crew member, based on your activity in the finfish and/or lobster (crustacean) fisheries. Along with your application, you must submit the affidavit(s) necessary to qualify for priority status. Applicants will be ranked based on the length of time they have been actively participating as crew members, so it is to your advantage to document all of the years that you have been employed as a crew member. ***All applicants should use the blank affidavit forms available from DEM (and posted on the website along with this document). All affidavits must be signed by licensed captains and notarized. DEM will disqualify from consideration under this priority category any application that is not accompanied by one or more valid affidavits.***

VI. Priority Status under Category 3

As a RI resident, you will be given consideration for the new Quahog endorsement, in accordance with the selection process delineated in the accompanying document. Pursuant to that process, if there are any endorsements remaining after the five priority categories are exhausted, they will be issued, by lottery if necessary, to resident applicants who do not qualify for priority status. To be considered, you must submit an application by February 28, 2006, indicating that you wish to obtain a CFL with a Quahog endorsement.

Affidavit

In Support of a
Commercial Fishing License Application
to the
RI Department of Environmental Management

To establish priority status as an active crew member, an applicant for a commercial fishing license must be able to demonstrate via one or more affidavits signed by one or more licensed captains, that he or she has fished with that captain, or those captains, at least 75 days during 2004 and/or 2005.

I hereby declare, under penalty of perjury, that I am a licensed commercial fishermen, that I serve as the captain of the commercial fishing vessel identified below, and that
_____ ***has served as a***
{print name of applicant}

crew member on my boat during 2004 and/or 2005 for the period indicated below.

I understand that fraud on the part of any existing license holder, including a captain who signs an affidavit in support of a claim of crew member status that turns out to be false or inaccurate, may result in the suspension or revocation of the license held by the existing license holder.

Name of Captain: _____

Signature of Captain: _____

License Number: _____

Name of Vessel: _____

Type of Fishery in which Applicant was/is Engaged as Crew Member: _____

Level of activity {check either box; if second box is checked, provide estimate for # of days}:

- ☐ Applicant fished with me at least 75 days during 2004 and/or 2005.
- ☐ Applicant fished with me _____ days during 2004 and/or _____ days during 2005.

This affidavit must be notarized:

Sworn to before me a notary public this _____ day of _____, 2006.

{Signature and title of official administering oath}

My commission expires _____

Rhode Island Department of Environmental Management

Office of Boat Registration & Licensing

235 Promenade Street Room 360

Providence RI 02908-5767

(401) 222-6647 TDD (401) 222-4462

RESIDENT MARINE LICENSE APPLICATION

2006 New License Opportunity

Applicant ID: _____ Office Use only

Applicant Mailing Address

Residence Address (Cannot be a PO Box)

Name: _____

Street: _____

City: _____ RI 02 _____

DOB: _____

Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

RI Drivers License #: _____

Street: _____

City: _____ RI 02 _____

Occupation: _____

Has your commercial fishing license and/or permit been revoked or suspended in any state or jurisdiction?

☐ Yes ☐ No (Check One)

***** (APPLICATION MUST BE RECEIVED NO LATER THEN 02/28/2006) *****

The information below is REQUIRED in order to issue your license

<u>Gear Type</u>	<u>Non-binding</u> For Informational purposes ONLY Please check all that apply	Available Licenses		
Rod & Reel		Commercial Fishing License		\$50.00
Fish Pot		Endorsement		
Lobster Pot			Description	Fee
Bullrake			Quahog	\$25.00
Other (Please specify)				
			Total (if successful)	\$75.00

A total of 43 new quahog endorsements (residents only) will be issued in 2006. Application period will be 01/01/2006 through 02/28/2006. All determinations on the available endorsements will be made after the application deadline date of 02/28/2006. The license/endorsement fee will be charged only if you are a successful applicant. Please do not submit a check with this license application. You must submit justification as to your eligibility for this endorsement per criteria set forth in the Rules and Regulations Governing the Management of Marine Fisheries.

Note: Every vessel engaged in Commercial Fishing must be declared on a Commercial Vessel Declaration Application

You must complete requirements of Taxation Certification & submit along with this application for marine license

If successful, please make check or money order payable to State of Rhode Island – DEM

RIGL §20-1-3(8) "Resident" means an individual who has had his or her actual place of residence and has lived in the state of Rhode Island for a continuous period of not less than six (6) months.

Under penalty of perjury I declare I am a Rhode Island resident and the information contained herein is true and accurate.

Signature: _____

Notary Public: _____

Telephone #: _____

Date: _____

Comm. Exp. _____